

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from July 1, 2004, through December 31, 2004. Most of the fees and expenses have already been paid from the trust account.

I. WORK PERFORMED

A. Case management

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, enter litigation and scheduling orders, and monitor the progress of the subfile activity. I have scheduled bi-monthly status conferences, held in both Santa Fe and Chama, to better coordinate the large number of adjudication tasks necessary to complete this case. At the same time we are working on Sections 3, 5 and 7, efforts are underway to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades.

The subfile activity in Section 5 (Gallina) is completed. The parties are in the process of discussing and settling priority dates for the area acequias. The adjudication of the remaining water rights element, CIR, or the consumptive irrigation requirement, is beginning; and the currently proposed scheduling order contemplates that the State's proposed methodology for computing CIR will be used in all three of the northern reach sections. This proposal will be discussed and finalized at the upcoming status conference February 10.

B. Federal and Indian water rights claims

Because of competing demands on attorney and judicial resources, the adjudication of San Juan Pueblo's rights has been deferred until the Pueblo's claims have been litigated in State v. Abbott, the Santa Cruz/Truchas adjudication. The federal agency claims in Sections 3, 5, and 7 are the subject

of a proposed scheduling order which will be discussed at the next status conference in February, 2005.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: February 7, 2005

/electronic signature/
VICKIE L. GABIN, SPECIAL MASTER